William R. Fix, W.S.B. #5-1908
3270 W. Wilderness Lane
P.O. Box 297
Jackson, WY 83001
(307) 733-5848
fixlawoffice@gmail.com
Attorney for Defendant
George Rosales

IN THE UNITED STATES DISTRICT COURT, WYOMING

DISTRICT OF WYOMING

ALEJANDRO JUAREZ, Plaintiff, v. STANDARD DRYWALL, INC., and GEORGE ROSALES, Defendants.	)	Civil Action No. 15-CV-105-S

DEFENDANT GEORGE ROSALES' MOTIONS *IN LIMINE*

COMES NOW Defendant George Rosales, by and through counsel undersigned, and respectfully moves *in limine* to exclude Plaintiff Alejandro Juarez and Co-defendant Standard Drywall, Inc., their witnesses, and attorneys, the mention of or reference to any of the following evidentiary matters:

1. **GUILTY PLEA PURSUANT TO W.S. §7-13-301.** Mr. Rosales plead guilty to a felony pursuant to Wyoming Statute § 7-13-301.

Evidence of this please should not be admitted because the deferral statute is intended as a remedial statute affording first-time offenders a chance for the charges to be ultimately dismissed.

Subsection (d) under the statute specifically provides as follows: "Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for any purpose."

Mr. Rosales' plea of guilty is not admissible under F.R.E. 609, as F.R.E. 609 expressly requires a conviction, which this does not constitute.

2. **POLICE REPORTS.** All of the investigation reports of the Teton County Sheriff's Office should be excluded from evidence as such are inadmissible hearsay. F.R.E. 803.

3. **UNSUPPORTED ALLEGATIONS OF COCAINE DISTRIBUTION**. During the course of depositions, one of SDI's former employees volunteered that Marco Rosales was allegedly distributing cocaine to SDI employees. This is a totally unfounded and completely unsupported allegation by a former and obviously disgruntled former employee. The probative value of any such testimony is vastly outweighed by its prejudicial effect. F.R.E. 403. Finally, such evidence is not relevant to any triable jury issue. F.R.E.402.

4. **CRIMINAL CHARGES/INVESTIGATION**. Similarly, and for the reasons set forth above, the fact that Mr. Rosales was the subject of a criminal investigation has no relevance to the issues before the jury. F.R.E. 402. The prejudicial effect of the fact greatly outweighs the probative value for the jury's determination. F.R.E. 403.

WHEREFORE, Defendant George Rosales prays that this Court issue appropriate orders *in limine* prohibiting Plaintiff Alejandro Juarez and Co-Defendant Standard Drywall, Inc., their attorneys, and defense witnesses from alluding to these matters in any form whatsoever.

DATED this 7th day of July, 2016.

/w/ William R. Fix
William R. Fix, W.S.B. #5-1908
3270 W. Wilderness Lane
P.O. Box 297
Jackson, WY 83001
(307) 733-5848
fixlawoffice@gmail.com
Attorney for Defendant George Rosales

CERTIFICATE OF SERVICE

This is to certify that on the 7th day of July, 2016, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

James E. Gigax
Murr Siler & Accomanzzo, P.C.
410 17th Street, Suite 2400
Denver, CO 80202-4402
jgigax@msa.legal

Sarah E. Tollison
DeFazio Law Office, LLC
P.O. Box 4877
Jackson, WY 83001
sarah@defaziolaw.com

Deborah M. Kellam
Lance E. Shurtleff
Hall & Evans, LLC
2015 Central Avenue, Suite C
Cheyenne, WY 82001
kellamd@hallevans.com

/s/ William R. Fix